

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDON ARKINSON,

Defendant.

CR 11-22-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Randon Arkinson (Arkinson) has been accused of violating the conditions of his supervised release. Arkinson admitted one of the three alleged violations. The government met its burden of proof with respect to the other two alleged violations. Arkinson's supervised release should be revoked. Arkinson should be placed in custody for 8 months, with 32 months of supervised release to follow. Arkinson should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

**II. Status**

Arkinson pleaded guilty to Abusive Sexual Contact on April 21, 2011. (Doc. 23). The Court sentenced Arkinson to 37 months of custody, followed by 5 years of supervised release. (Doc. 30). Arkinson's current term of supervised

release began on September 11, 2018. (Doc. 86 at 3).

### **Petition**

The United States Probation Office filed a Petition on January 8, 2019, requesting that the Court revoke Arkinson's supervised release. (Doc. 86). The Petition alleges that Arkinson violated the conditions of his supervised release: 1) by committing another crime; 2) by failing to complete his sex offender treatment program; and 3) by consuming alcohol. (Doc. 86 at 3-4). United States District Judge Brian Morris issued a warrant for Arkinson's arrest.

### **Initial appearance**

Arkinson appeared before the undersigned for his initial appearance on February 19, 2019. Arkinson was represented by counsel. Arkinson stated that he had read the petition and that he understood the allegations. Arkinson waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on February 19, 2019. Arkinson admitted that he had violated the conditions of his supervised release by failing to complete his sex offender treatment program. The government met its burden of proof with respect to the other two alleged violations. The government proved that

Arkinson had committed another crime, and that Arkinson had consumed alcohol. The violations are serious and warrant revocation of Arkinson's supervised release.

Arkinson's violations are Grade C violations. Arkinson's criminal history category is I. Arkinson's underlying offense is a Class A felony. Arkinson could be incarcerated for up to 60 months. He could be ordered to remain on supervised release for up to 40 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

Arkinson requested a term of custody of 5 months. The government requested a term of custody of 9 months.

### **III. Analysis**

Arkinson's supervised release should be revoked. Arkinson should be incarcerated for 8 months, with 32 months of supervised release to follow. Arkinson should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Arkinson that the above sentence would be

recommended to Judge Morris. The Court informed Arkinson of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Arkinson that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. The Court also informed Arkinson of his right to allocute before Judge Morris.

The Court **FINDS:**

That Randon Arkinson violated the conditions of his supervised release by committing another crime, by failing to complete his sex offender treatment program, and by consuming alcohol.

The Court **RECOMMENDS:**

That the District Court revoke Arkinson's supervised release and commit Arkinson to the custody of the United States Bureau of Prisons for a term of imprisonment of 8 months, with 32 months of supervised release to follow. Arkinson should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole

or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 20th day of February, 2019.



John Johnston  
United States Magistrate Judge